

C.A. No. 11-50107

IN THE UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

DANIEL EDWARD CHOVAN,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of California  
Honorable John A. Houston, District Judge

DECLARATION OF ASSISTANT U.S. ATTORNEY CAROLINE P. HAN

I, Caroline P. Han, declare as follows:

1. I am an Assistant United States Attorney for the Southern District of California. I am the counsel of record for the United States in this appeal.

2. The United States is filing a Rule 28(j) letter to clarify its position at oral argument. Although the United States' letter is only two pages in length, it is in excess of the 350-word limit identified in Rule 28(j). As a result, the instant motion for enlargement is being sought for the following reasons:

a. In order to fully clarify the position argued by Government counsel at oral argument, the United States' Rule 28(j) letter includes quotes, one of which is lengthy, from oral argument.

b. I have limited the United States' response to two pages. However, despite my best efforts, the points raised in the United States' letter cannot be properly conveyed in 350 words or less.

3. Based on the above, I respectfully ask the Court to grant this motion and allow the United States to file its letter, pursuant to Fed. R. App. P. 28(j), despite the fact that it is in excess of 350 words.

Dated: February 17, 2012

/s/ Caroline P. Han  
CAROLINE P. HAN  
Assistant U.S. Attorney